

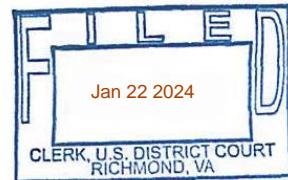
UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

United States of America

v.

DAVID EARL GAY

Case No. 3:24-mj-9

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 18-19, 2023 in the county of City of Emporia in the
Eastern District of Virginia, the defendant(s) violated:

*Code Section**Offense Description*

1. Title 18 U.S.C. § 2113(a)	1. Hobbs Act Robbery
2. Title 18 U.S.C. § 1951(a)	2. Bank Robbery

This criminal complaint is based on these facts:

See Attached Affidavit of FBI Special Agent John D. Dunham

Continued on the attached sheet.

Reviewed by AUSA Patrick J. McGorman

Patrick J. McGorman

Complainant's signature

John D. Dunham, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/22/2024

msl MRC

Judge's signature

City and state: Richmond, Virginia

Hon. Mark R. Colombell, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A CRIMINAL COMPLAINT
AND ARREST WARANT**

Your affiant, John D. Dunham, being duly sworn, hereby states:

I. AFFIANT'S BACKGROUND AND EXPERIENCE

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to investigate and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. I have over eighteen years of law enforcement experience stemming from employment as a Special Agent with the Air Force Office of Special Investigations beginning in May 2004 to my present assignment. Currently, I am a duly appointed Special Agent of the FBI and have been employed as such since October 2005. I am assigned to the Violent Crime/Major Offenders Squad in Richmond, VA. and my duties include investigating bank robberies, armored car robberies, extraterritorial offenses, kidnappings, armed carjackings and theft of government property. I have investigated numerous criminal violations and have obtained arrest and search warrants.

II. FACTS

3. The Benchmark Community Bank located at 125 W. Atlantic Street, Emporia, Virginia is a bank, credit union, or savings and loan association that has its deposits insured by the Federal Deposit Insurance Corporation.

4. On August 18, 2023 at approximately 3:30 p.m., the Emporia Police Department was dispatched to the aforementioned Benchmark Community Bank for a robbery that had taken place. The Police Department was further advised en route that an unknown SUBJECT had left the bank in a white truck and proceeded east on W. Atlantic Street. Officers responded to the bank

and were informed by witness GR that a white male—later identified as DAVID EARL GAY—entered the bank, approached a teller (GS) and handed her a note instructing her, in substance, to give GAY all the money and she would not get hurt. Based on this threat, force, or intimidation, GS was forced to open the drawer and hand over approximately \$1,300 in cash. Bank employees described the SUBJECT as a white male wearing a white shirt, dark pants, with glasses on. Surveillance footage from the bank’s cameras matches the witnesses’ description of GAY, and GAY’s face is unobstructed in the footage. When those images of the SUBJECT were shared with the Southampton Sheriff’s Office the SUBJECT was immediately recognized as GAY, who had appeared at the Sheriff’s Office on another matter days earlier. The surveillance footage shows that GAY walked in the front door of the bank at approximately 3:20 p.m. and waited in line. After a minute passed he proceeded to the teller window and presented a note. The video captures GS placing cash in a bag and handing it to GAY. GAY was then seen departing the bank in a white truck bearing “FARM USE” tags.

5. The Walmart located at 303 Market Drive, Emporia, Virginia, is a business engaged among other things in the sale of goods in and affecting interstate commerce.

6. On August 19, 2023 at approximately 2:30 p.m., an individual later identified as GAY, and wearing the same clothing as the day prior, entered the aforementioned Walmart and told a clerk to be quiet, that he had a gun in his pocket, to hand him all the money, and that he would shoot if she said anything. Based on this threat of physical violence, the clerk handed over approximately \$24,000 from the service desk, resulting in an obstruction, delay, or affect on interstate commerce, and GAY fled the Walmart. GAY was observed leaving in a rusted white van, and his flight was captured on surveillance cameras. The Emporia Police Department was able to locate a rusted white van on a “Flock” license plate reader camera, confirmed that it was

the same van GAY was observed on the security footage fleeing in, and determined that the van's Virginia tag (TXH-1355) was registered to MP at 8214 Parkview Drive, #C-4 Drewryville, VA 23844. Law enforcement responded to the address and located the rusted white van there.

7. The total amount of United States Currency robbed by GAY on August 18-19, 2023 totals approximately \$24,832.

8. On August 19, 2023, law enforcement executed a state-issued search warrant on the trailer located at 8214 Parkview Drive and located DAVID EARL GAY inside. When he was removed from the residence he had a large amount of United States currency (approximately \$3,845.25) in his right front pocket.

9. GAY was subsequently transported to the Southampton Sheriff's Office where he was advised of his *Miranda* rights, waived them, and provided information. Without being asked directly, GAY advised that he robbed the bank the day before using a note. He advised that he had used his white truck to rob the bank. GAY also advised that he had robbed the Walmart. He stated that he did both robberies by himself while high on cocaine. He also indicated that an individual identified as CP rode with him when he conducted the robberies but was not otherwise involved, describing CP as mentally challenged.

10. CP was subsequently interviewed by law enforcement. He admitted to accompanying GAY to the bank in Emporia as well as the Walmart, and he provided additional details: They drove the truck to the bank after GAY told CP he needed to cash a check. CP witnessed a woman run out of the bank while GAY was inside. When GAY returned to the truck CP observed GAY with a plastic bag with cash in it. The following day CP traveled with GAY to the Walmart in Emporia in a large white van. CP stayed in the van while GAY entered the Walmart. GAY quickly returned with a plastic bag but CP did not see what was in it.

11. Based on additional information received on August 21, 2023, law enforcement returned to the trailer at 8214 Parkview Drive and obtained consent to search a metal shed, from which approximately \$17,820 in cash was recovered from two socks.

III. CONCLUSION

12. Based on your affiant's training and experience and the facts outlined in this affidavit, your affiant asks this court to find probable cause to arrest DAVID EARL GAY for Bank Robbery, in violation of 18 U.S.C. § 2113(a), and interfering with Commerce by Threats or Violence (Hobbs Act Robbery) in violation of 18 U.S.C. § 1951(a).



John D. Dunham
Special Agent
Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED before me this 22nd day of January, 2024.

Is/ MRC

The Honorable Mark R. Colombell
United States Magistrate Judge